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MILPITAS MUNICIPAL CODE TITLE XI, CHAPTER 30 - SIGNS

SECTION 1 - GENERAL

1.01 PURPOSE AND INTENT

The City Council declares the purpose of this Chapter is to provide for regulation of all signs, which are publicly displayed in the City of Milpitas. It is recommended that the safety of pedestrians and vehicles, protection against fire, and the enhancement of the outward appearance of the community are important factors in the general welfare of the people, and that accordingly reasonable control of such signs by Ordinances is in the public interest. (Ord. 124, 7/20/65)

1.02 APPLICATION

The provisions of this Chapter are in addition to other requirements of the Ordinances of the City of Milpitas and Milpitas Municipal Code imposed upon signs including, but not limited to the requirements of the following (and amendment thereto): (Ord. 124, 7/20/65)

Ordinance No.	Chapter	Title	Common Name
38	10	XI	Zoning Ordinance
65	1	II	Building Ordinance

1.03 NOTICES, HEARINGS, ABATEMENT

Notices, hearings and abatement procedures herein provided shall be given and held in accordance with the provisions of the Standard Procedure Chapter of the Milpitas Municipal Code. (Ord. 124, 7/20/65)

SECTION 2 - DEFINITIONS

2.01 GENERAL DEFINITIONS

For the purpose of this Code, certain abbreviations, terms, phases, words and their derivations shall be construed as specified in this section. Words used in the singular include the plural, and the plural, the singular; the word "building" includes the word "structure". The word "shall" is mandatory. (Ord. 124, 7.20/65)

2.02 APPROVED PLASTICS

Approved plastic materials shall be those specified in the U.B.C. Standard No. 52-1 which has a flame spread rating of 225 or less and a smoke density not greater than that obtained from the burning of untreated wood under similar conditions when tested in accordance with U.B.C. Standard No. 42-1 in the way intended for use. The products of combustion shall be no more toxic than the burning of untreated wood similar under similar conditions. (Ord. 124.8, 9/17/74)

2.03 BUILDING PERIMETER

Building perimeter shall mean the total exterior wall length for any and all buildings intended for human occupancy, as measured at the ground elevation. No second story or subsequent upper story areas shall be considered as a part of this calculation. (Ord. 124.10, 6/20/78)

2.04 CANDIDATE

Any person, party, referendum, initiative or other ballot measure. (Ord. 124.10, 6/20/78)

2.05 CITY

"City" shall mean the City of Milpitas. (Ord. 124, 7/20/65)

2.06 DIRECTIONAL SIGN

Directional signs shall mean a sign which guides and directs motorists to a specified destination in the most direct manner possible. (Ord. 124.17, 10/17/95)

2.07 DISPLAY SURFACE

"Display surface" is the area made available by the sign structure of building surface for the purpose of displaying the advertising message. (Ord. 124, 7/20/65)

2.08 ELECTRIC SIGN

Electric sign shall mean any sign containing electrical wiring, but not including signs illuminated by an exterior light source. (Ord. 124, 7/20/65)

2.09 ERECT

"Erect" shall mean to build, construct, attach, hang, place, suspend or affix. (Ord. 124, 7/20/65)

2.10 FREESTANDING SIGN

Freestanding sign shall mean a sign which is supported by one or more uprights, poles, or braces in or upon the ground, or partially supported and attached to any building, other structure or foundation on the ground. (Ord. 124, 7/20/65)

2.11 GARAGE SALE SIGN

A sign, no larger than six (6) square feet in sign area per side, used primarily for the purpose of advertising a "garage sale" and/or "yard sale" at a residence. (Ord. 124.9, 8/19/75)

2.12 GRAPHIC PANEL (Freestanding)

A freestanding sign located within five (5) feet of the main building wall, which relates to the architecture of the building and depends primarily on a graphic image for delivering its advertising message. Graphic panels do not count as freestanding signs. The display area on graphic panels counts towards overall sign area. (Ord. No. 124.23, 6/15/99)

2.13 IMPACT RESISTIVE PLASTIC

Impact Resistive Plastic is any plastic material capable of resisting fifty (50) foot pounds of force as tested in accordance with ANSI/UL 972 Multiple Impact Test or any similar test procedure. (Ord. 124.11, 6/5/79)

2.14 INFORMATION SIGN

"Information Sign" shall mean and include signs providing courtesy information or direction to the public without advertising the business products or services such as hours, entrance, exit, self-serve, credit cards, restrooms, telephone drive-up, or which

serves to direct motorist and pedestrians on private property. (Ord. 124.15, 4/3/90)

2.15 NON-COMBUSTIBLE MATERIAL

"Non-combustible material" is any material which will not ignite at, or below a temperature of one thousand two hundred (1200) degrees during an exposure of five (5) minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in U.B.C. Standard No. 4-1. (Ord. 124.8, 9/17/74)

2.16 MARQUEE

"Marquee" is a permanent roofed structure, attached to, and support by the building and projecting beyond the main building. (Ord. 124, 7/20/65)

2.17 MULTI-USE STRUCTURES

Any commercial, industrial, quasi public, or agricultural farm products sales use, containing five (5) or more stores or businesses on a single parcel of land. (Ord. 124.10, 6/20/78)

2.18 NON-STRUCTURAL TRIM

Non-structural trim shall mean the molding, battens, cappings, nailing strips, latticing, cutout, or letters and walkways, which are attached to the sign structure. (Ord. 124, 7/20/65)

2.19 OPEN HOUSE DIRECTIONAL SIGN

A sign, no larger than six (6) square feet in sign area per side, used primarily for the purpose of directing traffic to a house being offered for sale or lease. (Ord. 124.9, 8/19/75)

2.20 OTHER ADVERTISING STRUCTURE

"Other advertising structure" shall mean any device erected or used for the same purpose as a sign, whether erected or used: (Ord. 124, 7/20/65)

1. Exclusively for advertising purposes, upon which any poster bill, printing, painting device or other advertisement or identification of any kind whatsoever may be placed, posted, painted, fastened or affixed. (Ord. 124, 7/20/65)
2. Exclusively for advertising purposes and including any spectacle, display or

advertising statutory. (Ord. 124, 7/20/65)

2.21 PERMANENT SIGN

"Permanent sign" shall mean and include every sign except temporary sign as defined herein. (Ord. 124, 7/20/54)

2.22 PERSON

"Person" shall mean and include any natural person, firm, partnership, association, corporation, company or organization of any kind. (Ord. 124, 7/20/65)

2.23 POLITICAL SIGNS

A political sign is a sign which is designated to influence the action of the voters, and election or defeat of a candidate for the nomination or election to any public office or a measure appearing on the ballot at any national, state, district or local election. (Amended by Ord. 124.19, 4/3/97)

2.24 PORTABLE AND "A" FRAME SIGNS

"Portable and 'A' frame signs" shall mean any portable or 'A' frame type signs used for the purposes of announcement, declaration, demonstration display, illustration, insignia, when erected or maintained out of doors in view of the general public for identification, advertisement, or promotion of the interests of any person. (Ord. 124.15, 4/3/90)

2.25 PROJECTION

Projection means the distance by which a sign extends over public property or beyond the building line. (Ord. 124, 7/20/65)

2.26 PROJECTING SIGN

Projecting sign shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure. (Ord. 124, 7/20/65)

2.27 PUBLIC INFORMATION SIGN

Public Information sign shall mean a sign erected for the sole purpose of displaying advertising for a community activities and or identification symbols or plaques for civic organizations or service clubs. (Ord. 124.8, 9/17/74)

2.28 PUBLIC STREET FRONTAGE

A publicly owned street immediately adjacent to the parcel, for purposes of sign area and height calculations. Public streets for which the parcel does not have access rights are not included for purposes of any sign calculations. (Ord. No. 124.23, 6/15/99)

2.29 REGIONAL SHOPPING CENTER

Any commercial development on one (1) or more parcels of land which are contiguous or across from a right of way which contains a gross land area of at least 30 acres or a gross building area of at least 200,000 square feet. Current regional shopping centers are McCarthy Ranch Marketplace, the Town Center shopping center, and the Great Mall and its outparcels zoned General Commercial. (Ord. 124.17, 10/17/95; Ord. No. 124.23, 6/15/99)

2.30 ROOF SIGN

Roof sign shall mean a sign erected upon or above a roof or a part of a parapet of a building or structure. (Ord. 124, 7/20/65)

2.31 SHOPPING CENTER

Any commercial development containing five (5) or more stores or businesses on one (1) or more parcels of land operating as an integrated use and having a gross parcel area of five (5) or more acres. (Ord. 124.10, 6/20/78)

2.32 SIGN

"Sign" shall mean and include every announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person. (Ord. 124, 7/20/65)

2.33 SIGN AREA

The area of a sign shall be calculated to include all lettering, wording, and accompanying designs or symbols, together with any background of a different material or color than the remainder of the wall of the building to which is affixed or upon which it is painted. (Ord. 124.8, 9/17/74)

Where the sign consists of individual letters or symbols, the area shall be considered to be that of the smallest rectangle, circle, square, or triangle which can be drawn to encompass all of the letters. (Ord. 124.8, 9/17/74)

Provided however, that where such individual type letters or symbols are separated more than thirty-six (36) inches from each other, those letters or symbols shall be calculated separately. (Ord. 124.14, 10/13/87)

If the sign has more than one (1) advertising surface, the sum of all the areas of all

such surfaces shall be the area of the advertising surface of such sign except that if two (2) surfaces on the same face in opposite directions (i.e., the relative angles between the directions they face is 180 degrees) and the distance between such two (2) surfaces is not more than twenty-four (24) inches, then the area of only one of the two surfaces (the largest if they are not equal) shall be included in the computation. (Ord. 124.8, 9/17/74)

2.34 SIGN SURFACE

"Sign surface" shall mean the surface of the sign upon, against or through which the message is displayed or illustrated. (Ord. 124, 7/20/65)

2.35 (Deleted by Ord. 124.8, 9/17/74)

2.36 TEMPORARY SIGN

Temporary sign shall mean and include any sign, banner, flag, valance, pennant, streamer, whirligig or advertising display, constructed of cloth, canvas, fabric, cardboard, plywood or other light material with or without a frame, whether attached or portable, and designed or intended to be displayed for a short period of time, and not to exceed fourteen (14) consecutive days at any one (1) time nor more than four (4) times annually, to advertise a special event such as sales, products and services, or to promote special commercial activities such as clearance sales, new models, shipments of merchandise for sale. Signs advertising a "Grand Opening" as evidenced by a new business license, new ownership, name change or the reopening of a business which completely closed for remodeling for a least two (2) weeks may be displayed for a maximum period of thirty (30) days. (Ord. 124.15, 4/3/90)

2.37 WALL SIGN

Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall. (Ord. 124, 7/20/65)

SECTION 3 - GENERAL REGULATIONS

- 3.01 Review and Approval**
- 3.02 Maximum Permissible Sign Area**
- 3.03 Freestanding Signs**
- 3.04 Uniform Design and Materials**
- 3.05 Impact Resistive Plastic**
- 3.06 Off-Site Signs Prohibited**
- 3.07 Advertising Prohibited on Public Property**
- 3.08 Moving Signs**
- 3.09 Signs for Zoning Non-Conforming Uses**
- 3.10 Non-Conforming Signs**
- 3.11 Portable and "A" Frame Signs**

3.12 Exterior Signs
3.13 Area Identification Sign
3.14 City Identification Sign
3.15 Administrative Permits

3.01 REVIEW AND APPROVAL (Ord. No. 124.23, 6/15/99)

Permitted signs may be erected or painted upon posts, poles, buildings or structures subject to compliance with the following provisions: (Ord. 124.20, 9/15/98; Ord. 124.10, 6/20/78)

- a. Temporary signs as defined herein do not require City review.
- b. The City Council, upon recommendation by the Planning Commission, shall be empowered to approve, conditionally approve or disapprove any "S" Zone Application or Use Permit for any sign(s) proposed in the Hillside district, subject to the provisions of Section XI-10-45.09, and for any signs proposed on designated historical or cultural resource buildings or sites, subject to the provisions of Section XI-4-10. (Ord. No. 124.23, 6/15/99)
- c. The Planning Commission shall be empowered to approve, conditionally approve or disapprove any "S" Zone Application for any sign program(s) for multi-tenant structures, subject to the "S" Zone provisions of Section XI-10-42.
- d. The Planning Commission shall be empowered to approve, conditionally approve or disapprove freestanding signs exceeding six (6) feet in height, under the provisions of the Conditional Use Permit, as provided by Section 3.03(c) of this Chapter. (Ord. No. 124.23, 6/15/99)
- e. The Planning Commission Subcommittee shall be empowered to approve, conditionally approve or disapprove the following signs, under the provisions of Section XI-10-42.10-2: new building signs for single-tenant structures and freestanding signs up to six (6) feet in height, as measured from the closest public sidewalk or curb, on sites which are not in the Hillside District or on designated historical or cultural resource buildings or sites.
- f. The Planning staff shall be empowered to approve, conditionally approve or disapprove the following signs, under the provisions of Section XI-10-42.10-2: signs which conform to an approved sign program and building signs which replace previously approved building signs, provided sign type, size and location are unchanged, on sites which are not in the Hillside District or on

designated historical or cultural resource buildings or sites. (Ord. 124.20, 9/15/98)

3.02 MAXIMUM PERMISSIBLE SIGN AREA (Ord. No. 124.23, 6/15/99)

3.02(a) Commercial, Industrial, Quasi-Public, Agricultural Sales

The maximum permissible total sign area for commercial, industrial, quasi-public or agricultural farm product sales will conform to the following standard: (Ord. 124.10, 6/20/78; Ord. 124.23, 6/15/99)

1. The total aggregate area of all signs permitted on any building site or property shall not exceed one (1) square foot of sign for each two (2) lineal feet of building perimeter on the subject parcel or not exceed two (2) square feet of sign for each one (1) lineal foot of public street frontage, at the applicant's discretion. (Ord. 124.10, 6/20/78)
 - a. For buildings or uses containing more than one (1) business, the allowable sign area as defined in Section (1) above shall be distributed to each business proportionately to the floor area of the subject business to the total floor area for all leasable structures on the parcel or site. (Ord. 124.10, 6/20/78; Ord. 124.23, 6/15/99)
 - b. Provided further that in the case of a shopping center or other multi-use structure containing five (5) or more stores, sign area to be allowed on those stores which have frontage on an interior pedestrian mall shall be calculated as one (1) square foot of sign area for each one (1) lineal foot of building frontage for use only on that frontage facing said area. (Ord. 124.10, 6/20/78)
 - c. Temporary signs as defined herein shall not exceed thirty-two (32) square feet. (Ord. 124.10, 6/20/78)
 - d. In considering the appropriateness of the design proposed for any building sign as provided in this Section, the following criteria shall be utilized by the Planning Commission, Planning Commission Subcommittee and Planning staff: (Ord. 124.20, 9/15/98)
 1. The relationship of the sign to the space on the building where the sign is to be located.

2. relationship of the sub-space on which the sign will be located to the total building environment.
3. Compatibility of materials, architecture, design, and continuity with other signs on the building.
4. Illumination of the sign as it relates to other signs on the subject building.
5. The proximity of the sign to residential districts.
6. Relationship of the height of the sign to the height of the building at that location.
7. Density of other signs in the vicinity of the subject sign on or off of the subject parcel.
8. Impact of other signs in the vicinity on the subject sign.
9. And other such factors that the Planning Commission, Planning Commission Subcommittee and Planning staff shall determine as relating to the impact of the sign to the general environment. (Ord. 124.20, 9/15/98; Ord. 124.10, 6/20/78)

3.02(b) Maximum Sign Area in Residential Zones

Sign area in Residential Zones shall comply with the following regulations: (Ord. 124,14, 10/13/87)

1. "R1" (Single Family Residential) and "AR" (Agricultural Residential) Zones: Permanent signs erected for the purpose of announcements or nameplates shall not exceed one (1) square foot. (Ord. 124,14, 10/13/87)

2. Temporary signs as defined herein shall not exceed six (6) square feet. (Ord. 124.10, 6/20/78)
3. "R2" (Two Family Residential) District and "R3" (Multiple Family Residential) District: Permanent signs erected for permitted uses shall not exceed ten (10) square feet. (Ord. 124.10, 6/20/78)
4. Conditional Uses in any Residential Zone (except churches which are provided for in subsection 3.02(b) 5 below) will be allowed sign area not exceeding one (1) square foot of sign area for each three (3) lineal feet of public street frontage, provided however, that this sign area shall not, in any case, exceed a maximum of either thirty-two (32) square feet for Valley Floor Residential Zones or twenty-four (24) square feet in the designated Hillside. (Ord. 124.16, 9/2/94)
5. Churches, when located in any residential district, shall be allowed a total sign area not to exceed one hundred (100) square feet per parcel. The maximum square footage for any individual sign, either a wall sign or freestanding sign, shall not exceed a total of fifty (50) square feet. The height of any freestanding sign shall be regulated by Section 3.03 (b) 2, 3 and 4 of this Chapter. (Ord. 124.16, 9/2/94)

3.02(c) Limitations on Public Street Frontage

Public street frontage with non-access rights or no immediate direct access, such as flood control channels, but excluding landscaped planter areas, shall not be included in computing public street frontage for purposes of sign area calculations. Refer to Section 4.02(b) of this Chapter for additional information relating to regional shopping centers. (Ord. 124.10, 6/20/78; Ord. 124.23, 6/15/99)

3.03 FREESTANDING SIGNS

3.03(a) Freestanding signs shall be erected in on-site landscaped planter areas, subject to the following: (Ord. 124.10, 6/20/78; Ord. 124.23, 6/15/99)

1. There may be (1) freestanding sign for each individual parcel's public street frontage. If the frontage exceeds 300 feet one (1) additional sign shall be allowed. The height of freestanding signs shall be determined from Section 3.03. (Ord. 124.10, 6/20/78)
2. In the case of a shopping center, the number of freestanding signs

shall be determined as specified above, and any business within the shopping center may be advertised on any freestanding sign allocated to that shopping center as provided in the section above. (Ord. 124.10, 6/20/78)

3. Any square footage of sign placed on a freestanding sign shall be deducted from the total amount of allowable sign area specified in Section 3.02(a) above. (Ord. 124.10, 6/20/78)

3.03(b) Freestanding signs up to six (6) feet in height shall be approved as provided in Section 3.01 above. (Ord. 124.10, 6/20/78)

3.03(c) Freestanding signs over six (6) feet in height, including their location and architectural design (not structural) of the supporting sign structure shall be reviewed after Notice and Hearing by the Planning Commission under the provisions of a Conditional Use Permit. The Commission shall be empowered to approve, conditionally approve or disapprove any Use Permit for a free-standing sign. The following factors shall be considered by the Planning Commission in making its decision:

1. height and size of sign
2. structure of sign
3. illumination of sign
4. proximity to residential districts
5. relationship of height and size of sign to that of parcel
6. density of other signs in vicinity

7. impact of other signs in vicinity
8. and such other factors that the Planning Commission shall determine as relating to the impact of the sign to the environment. (Ord. 124.10, 6/20/78)

3.03(d) Freestanding Sign Height

1. Non-Residential Zones:

One (1) foot of height to a maximum of twenty-five (25) feet for each eight (8) feet of public street frontage. If a public street frontage exceeds three hundred (300) feet, then the height of the second freestanding sign shall be determined as described above, using only the public street frontage in excess of three hundred (300) feet. Any free-standing sign proposed under Section 3.03(c) above may be reduced in height from the maximum twenty-five (25) foot height limit as part of the approval process specified in Section 3.03(c). Refer to Section 4 of this Chapter for additional information. (Ord. 124.14, 10/13/87; Ord. No. 124.23, 6/15/99)

2. Conditional Uses in Residential Zones:

One (1) foot of height to a maximum of twenty-five (25) feet for each twenty-five (25) feet of public street frontage, except those freestanding signs on any parcel of land located in the designated Hillside which shall, in no case, exceed a height of four (4) feet measured from a warped plane parallel to the natural grade. Refer to Section 4.05 of this Chapter for additional requirements regarding Hillside signage. (Ord. 124.14, 10/13/87; Ord. No. 124.23, 6/15/99)

3. Public street frontage with non-access rights or no immediate direct access such as flood control channels, but excluding landscaped planter areas, shall not be included in computing public street frontage, for purposes of determining number of freestanding signs or sign height. (Ord. 124.10, 6/20/78; Ord. No. 124.23, 6/15/99)

4. All freestanding sign heights shall be measured from grade level of

the closest public sidewalk, curb or public street. (Ord. 124.10, 6/20/78)

3.04 UNIFORM DESIGN AND MATERIALS (SIGN PROGRAM)

All building signs in Shopping Centers and other multi-use structures shall seek uniformity of design and materials subject to the approval of a sign program by the Planning Commission. (Ord. 124.20, 9/15/98; Ord. 124.10, 6/20/78)

3.05 IMPACT RESISTIVE PLASTIC

1. Impact Resistive Plastic shall be used on all internally illuminated signs utilizing plastic sign faces. (Ord. 124.11, 6/5/79)
2. Whenever a plastic internally illuminated sign face, advertising copy or message becomes damaged and is to be replaced said sign face shall be replaced with a sign face constructed of Impact Resistive Plastic, as defined herein. (Ord. 124.13, 5/6/80)

3.06 OFF-SITE SIGNS PROHIBITED

All signs except off-tract subdivision signs for subdivisions under construction in the City, open house directional signs, garage sale signs, and off-site directional signs for purposes of identifying regional shopping centers per Section 4.02 of this Chapter, shall be erected only upon the site occupied by the persons or business sought to be identified or advertised by such signs. It is the intent of this limitation to prohibit the use of exterior signs for the general advertisement of products, services or other matters having no relation to the site upon which they are placed. Signs shall not extend over street or other rights-of-way except as provided for elsewhere in this Chapter. (Ord. 124.10, 6/20/78; Ord. No. 124.23, 6/15/99)

- a. Provided further, that off-site public information signs may be permitted by the Planning Commission when said signs are located proximate to a major entry to the City and on privately owned property. (Ord. 124.9, 8/19/75)
- b. Provided further, that any church may request up to two (2) off-site directional signs to be located by the City within the public right-of-way. Said off-site directional signs shall only include the name of the church in letters not exceeding four (4) inches in height, and an arrow specifying the appropriate direction. Requests for such signs shall be made in writing by an authorized member of the church and shall include the general location desired for said

signs. The Public Works Director shall determine the precise location and sign design based upon good traffic engineering practice, and shall provide for erection of the subject signs. (Ord. 124.10, 6/20/78)

3.07 ADVERTISING PROHIBITED ON PUBLIC PROPERTY

No merchandise shall be displayed and no person shall mark, post, paste, paint, print, nail, tack, or otherwise fasten or leave a card, banner, handbill, sign, sticker, poster, or advertisement or notice of any kind or cause the same to be done, on any real or personal property including, but not limited to any street, curb, sidewalk, alley, billboard, fence post, tree, pole, hydrant, bridge, real property or personal property or other structure within the corporate limits of the City of Milpitas, except as may be required by law. (Ord. 124.10, 6/20/78)

Any violation of the above named items erected upon public property in violation of the provisions hereof may be removed and destroyed summarily by any City officer or employee. Signs so confiscated may be redeemed within ten (10) days on payment by the owner of costs of removal. The minimum charge for removal of any sign shall be Ten Dollars (\$10.00) per sign. Any sign not claimed within ten (10) days of removal shall become the property of the City. (Ord. 124.10, 6/20/78)

Provided further, open house directional signs and garage sale signs may be placed within the public right-of-way between the face-of-curb and property line a distance of no closer than three (3) feet from the face-of-curb and shall not be placed within the vehicular or pedestrian traveled portion of said public right-of-way. Said signs shall only be allowed on Saturdays, Sundays and holidays. (Ord. 124.10, 6/20/78)

Provided further that in the case of scoreboard structures located in an adult or youth outdoor ball field on public property, the Planning Commission may after notice and hearing, permit advertising signs to be located on the scoreboard subject to a Conditional Use Permit. Advertising on any scoreboard sign shall not exceed 30% of the total sign area and shall be for products or businesses available to persons of all ages. (Ord 124.24, 9/7/99)

3.08 MOVING SIGNS (Ord. No. 124.23, 6/15/99)

No sign, in any District with the exception of public service signs and as provided for in Section 4.02(b) as determined by the Planning Commission, shall revolve, rotate, move or create the illusion of movement, rotation or revolvment, or have any visible moving, revolving or rotating surfaces or parts. (Ord. 124.10, 6/20/78; modified by Ord. 124.25, 4-4-00)

3.09 SIGNS FOR ZONING NON-CONFORMING USES (Ord. 124.10, 6/20/78)

Signs for non-conforming uses and businesses may be permitted subject to the following: (Ord. 124.14, 10/13/87)

- a. All signs shall require the review and approval of the Planning Commission

under the provisions of a Conditional Use Permit. (Ord. 124.14, 10/13/87)

- b. The total sign area allowed for any non-conforming use or parcel of land shall be calculated as specified in Section 3.02 of this Chapter but in no event shall the total sign area exceed sixty (60) square feet. (Ord. 124.14, 10/13/87)
- c. The maximum height for any freestanding sign shall not exceed ten (10) feet. (Ord. 124.14, 10/13/87)

3.10 NON-CONFORMING SIGNS

- a. Notwithstanding any other provision of this Chapter: (Ord. 124.12, 6/5/79)
 - 1. All signs presently existing and not in conformity with the provisions of this Chapter shall conform to the provisions of this Chapter or be removed by December 31, 1984. (Ord. 124.8, 9/17/74; Ord. 124.12, 6/5/79)
 - 2. Any sign which shall become non-conforming because of an amendment to this Chapter shall be made to conform to the provisions of this Chapter as amended or be removed no later than ten (10) years from the date of said amendment. (Ord. 124.8, 9/17/74; Ord. 124.12, 6/5/79)
 - 3. Without limitation to any other provision of this Chapter or any other provision of the Milpitas Municipal Code, a non-conforming sign shall not be added to or enlarged unless such sign, including such addition and enlargement, is made to conform to all of the regulations applicable to said sign at the time of said addition or enlargement. Repairs and alterations may be made to a non-conforming sign provided that any structural alteration (other than those required by law) shall not be made unless such sign, including such alteration, is made to conform to all the regulations applicable to said sign at the time of said addition or enlargement. Replacement of the face of a sign shall not be considered to be a structural alteration. No non-conforming sign shall be moved in whole or in part to any other location on the parcel of its location unless said sign is made to conform to all of the regulations applicable to said sign at the time of said moving. (Ord. 124.12, 6/5/79)

b. Maintenance of Signs

Nothing herein contained shall be construed to vary the provisions of this Chapter relating to the maintenance of signs in good condition. It is the intent of this Chapter that non-conforming signs shall be maintained in good condition until amortized by the provisions of this section. Signs which are not maintained in good condition (whether conforming or non-conforming) shall be subject to abatement in accordance with the other provisions of this Chapter and this section shall not be construed to be a bar thereto. (Ord. 124.8, 9/17/74)

3.11 PORTABLE AND "A" FRAME SIGNS

Portable and "A" frame signs with the exception of public service signs and open house directional signs as defined in XI-30-2.10.1 are not permitted in any district at any time. (Ord. 124.15, 4-3-90)

3.12 EXTERIOR SIGNS

No sign shall be placed on, above or attached to any building roof (above the gutter line); above or on top of any marquee; or on, above, made a part of or attached to any parapet and no part of any parapet of any building shall be part of any sign. (Ord. 124.8, 9/17/74; Ord. 124.10, 6/20/78)

- a. Provided however, that the Planning Commission, at the time of site and architectural review of the building plans, may approve a sign which constitutes an integral part of a roof or marquee if it finds that the architectural style of said sign is designed with an intent and purpose to relate said sign to the architectural style of the main building. (Ord. 124.8, 9/17/74; Ord. 124.10, 6/20/78)

3.13 AREA IDENTIFICATION SIGN

Permanent area identification signs may be erected subject to the following conditions: (Ord. 124.10, 6/20/78)

- a. The sign surface area shall not exceed twenty-five (25) square feet in Residential areas and sixty (60) square feet in Commercial and Industrial areas. (Ord. 124.10, 6/20/78)
- b. The materials utilized for sign construction and sign support shall be relatively maintenance free. (Ord. 124.10, 6/20/78)

3.14 CITY IDENTIFICATION SIGN

Permanent City identification signs erected on private property do not count toward the maximum sign area limits, nor the maximum number of freestanding signs allowed

on a site. (Ord. 124.23, 6/15/99)

3.15 ADMINISTRATIVE PERMITS

Administrative permits may be issued by the Planning Division for the following: (Ord. 124.14, 10/13/87)

1. Air or gas filled balloons exceeding three (3) cubic feet used in connection with special events, displayed for periods not exceeding seven (7) consecutive days, and only three (3) times a year. (Ord. 124.14, 10/13/87)

SECTION 4 - SPECIAL REGULATIONS

4.01 Shopping Centers

4.02 Regional Shopping Centers

4.03 Town Center District

4.04 Industrial Sites of Forty (40) or More Acres

4.05 Hillside Combining District

4.06 Temporary Tract Advertising Signs

4.07 Political Signs

The following regulations pertain to signage requirements in special districts, and take precedence over other regulations in this Chapter, unless otherwise specified. (Ord. No. 124.23, 6/15/99)

4.01 SHOPPING CENTERS

The Planning Commission may permit the following, subject to approval of a Conditional Use Permit: one (1) double faced freestanding sign for the purpose of identifying the center, including its principal tenants. Said sign shall have an area not exceeding three hundred (300) square feet on any one (1) face and a maximum height limit of forty-five (45) feet. Said sign shall be in addition to those signs allowed under the provisions of Section 3.03 of this Chapter. Furthermore, the sign area on the identification sign shall be in addition to the total sign area allowed under the provisions of Section 3.02. Refer to Section 4.02 of this Chapter for additional information relating to regional shopping centers. (Ord. 124.10, 6/20/78, Ord. No. 124.23, 6/15/99)

4.02 REGIONAL SHOPPING CENTERS

- a. For regional shopping centers, the Planning Commission may permit the following, subject to the issuance of a Conditional Use Permit or "S" Zone approval, with notice and hearing, per Section XI-10-57 or XI-10-42 of the

Milpitas Municipal Code: (Ord. 124.17, 10/17/95; Ord. 124.23, 6/15/99)

1. An increase to the maximum site sign area not more than twenty-five percent (25%) greater than that otherwise allowed in this Chapter.
2. An increase to the maximum shopping center identification sign area no more than fifty percent (50%) greater than that otherwise allowed in this Chapter, allowing up to four hundred fifty (450) square feet of sign area on such sign. (Ord. No. 124.23, 6/15/99)
3. An increase to the maximum height of shopping center identification sign not more than fifteen (15) feet taller than otherwise allowed in this Chapter, allowing up to a sixty (60) foot height.
4. On-site directional sign(s). Any request for on-site directional signs within the regional shopping center shall be made in writing to the Planning Division by any authorized representative of the regional shopping center. The request shall indicate the proposed number, locations and design of the proposed on-site directional signs.
5. One (1) off-site directional sign, for the purpose of identifying a regional shopping center. Any request for an off-site directional sign shall be made in writing to the Planning Division by any authorized representative of the regional shopping center. The request shall indicate the proposed location and design of the proposed directional sign.

Prior to the installation of any off-site directional sign within the public right of way, the sign applicant must obtain an encroachment permit from the Public Works Department. Prior to the issuance of the conditional use permit, the Public Works Director or his or her designee, shall recommend any necessary modifications of the proposed location and sign design to assure traffic safety is maintained.

- b. For regional shopping centers encompassing at least one (1) million square feet of building area, the following apply: Where private streets delineate separate parcels within the shopping center, a parcel's private street frontage may be used instead of its public street frontage (or applicable building perimeter formula), for purposes of calculating sign area, but not for purposes of determining number of on-site freestanding signs, unless a parcel has no public street frontage. (Ord. No. 124.23, 6/15/99)

The Planning Commission may permit the following, subject to the issuance of a Conditional Use Permit or "S" Zone approval, with notice and hearing, per Section XI-10-57 or XI-10-42 of the Milpitas Municipal Code: (Ord. No. 124.23, 6/15/99)

1. Two (2) off-site directional signs for the purpose of identifying a regional shopping center. Refer to Section 4.02(a)5 above for additional requirements. (Ord. No. 124.23, 6/15/99)
 2. Graphic panel(s) (freestanding). (Ord. No. 124.23, 6/15/99)
 3. For major tenants (those with a minimum of 40,000 square feet of leasable floor area), signs that move or have the illusion of movement with the approval of a Conditional Use Permit as provided for in XI-10-57.01 and XI-30-4.02(d). (Ord. 124.25, 4/4/00)
- c. In considering the approval of a Conditional Use Permit or "S" Zone application, no other deviations to the Sign Ordinance shall be permitted which are inconsistent with the provisions of this Chapter.
- d. In considering the approval of a Conditional Use Permit or "S" Zone application, under Subsections 4.02(a) and (b) above, the Planning Commission shall consider the following criteria in addition to the regulations specified in Section XI-10-57 and XI-10-42:
1. Relationship of the location and height of the signage to the height of the building;
 2. Density of other signs in the vicinity of the subject sign on or off of the subject parcel;
 3. Illumination of the sign as it relates to other signs on the building or off-site;

4. Impact of other signs in the vicinity on the subject sign;
5. The relationship of the sign to the space on the building or land where the sign is to be located;
6. Compatibility of materials, architecture design, and continuity with other signs on the building or land; and
7. Such other factors as the Commission determines are relevant with respect to the impact of the sign on the general environment. If the sign is proposed to move or have the illusion of movement, the public benefit gained by having a moving sign. (Ord. 124.17, 10/17/95; amended by Ord. 124.25, 4-4-00)

4.03 TOWN CENTER DISTRICT

Freestanding signs shall not be allowed within the "Town Center District", with the exception of one area identification sign, upon approval of a Conditional Use Permit by the Planning Commission, per Section XI-10-57. Said area identification sign shall only identify the Town Center and the principal tenants. Said sign shall not exceed a maximum height of forty-five (45) feet. Refer to Section 4.02 of this Chapter for additional information relating to regional shopping centers. (Ord. 124.10, 6/20/78; Ord. 124.23, 6/15/99)

4.04 INDUSTRIAL SITES OF FORTY (40) OR MORE ACRES

In the case of an industrially zoned site containing at least forty (40) contiguous acres, the Planning Commission may after notice and hearing, permit an increase in site sign area, number of freestanding signs and freestanding sign height from that otherwise allowed in this Chapter. Maximums in sign area, sign height and number of freestanding signs shall be determined by the Planning Commission through the Conditional Use Permit, "S" Zone or Development Plan process, and shall be based on the unique needs of the subject site. (Ord. 124.23, 6/15/99)

4.05 HILLSIDE COMBINING DISTRICT

Signs in the Hillside combining district shall conform to the following:

- a. Permanent signs erected for the purpose of announcements or nameplates shall not exceed one (1) square foot.

- b. Temporary signs as defined herein shall not exceed six (6) square feet.
- c. Maximum sign area for conditional uses shall be limited to one (1) square foot of sign area for each three (3) lineal feet of public street frontage, but shall, in no case, exceed twenty-four (24) square feet. See exception in Section 3.02(b) 5 of this Chapter relating to sign area for churches.
- d. Freestanding signs on any parcel of land located in the designated Hillside shall, in no case, exceed a height of four (4) feet measured from a warped plane parallel to the natural grade.
- e. Any sign over one (1) square foot in area located in the designated Hillside shall be constructed of either wood or masonry materials. Incised lettering or individual letters, numbers, symbols, etc. of a metallic material mounted on said wood or masonry structure is permitted. Furthermore, all such lettering may only be illuminated by external or indirect means. (Ord. 124.14, 10/13/87)

4.06 TEMPORARY TRACT ADVERTISING SIGNS

- a. **Types**

The City of Milpitas authorized only the following two types of Temporary Tract Advertising Signs: (Ord. 124, 7/20/65)

- 1. "Major Signs"

- 2. "Directional Signs"

- b. **Number of Signs Allowed**

The total amount of "major signs" is limited to six (6) per tract; provided, however, that the Planning Commission in its discretion may grant additional signs upon the following conditions: (Ord. 124.8, 9/17/74)

- 1. Said grant will not be contrary to or materially detrimental to public

interest and welfare.

2. Repealed by Ord. 124.10, 6/0/78, (Ord. 124.8, 9/17/74, Ord. 124 (part), 7/20/65)

c. **Restrictions**

Each of the six (6) "major signs" shall:

1. Not exceed twelve (12) feet in height including appendages. (Ord. 124.8, 9/17/74)
2. Not exceed thirty-two (32) square feet of surface area including all borders. (Ord. 124.8, 9/17/74)
3. Not to be closer than one hundred fifty (150) feet from any residential building. (Ord. 124, 7/20/65)
4. Not to be closer than one hundred (100) feet from any existing and authorized sign or billboard. (Ord. 124, 7/20/65)
5. Be set back at least fifteen (15) feet from any property boundary line on which it is to be located. (Ord. 124, 7/20/65)
6. Not be permitted within six hundred (600) feet of a Santa Clara County Expressway. (Ord. 124.8, 9/17/74)

d. **Additional Directional Signs**

Additional directional signs of a size as indicated below, under Section 4.06(d)1 of this Chapter may be allowed, as needed, in the discretion of the Planning Commission: (Ord. 124, 7/20/65)

1. Directional signs shall not exceed sixteen (16) square feet of surface area. Said directional signs shall not exceed five (5) feet in height nor eight (8) feet in length. (Ord. 124.2, 6/21/66)

e. **Removal of Temporary Tract Signs**

No sign permit for a temporary tract sign shall be issued unless and until the

applicant therefore has signed an agreement that upon cessation of the use under the permit, the sign involved will promptly be removed within fifteen (15) days after the expiration of the permit. Said agreement shall be accompanied by a refundable cash deposit of fifty (\$50) dollars per sign, which deposit may be used to defray the costs of the sign removal in the event the permit holder defaults upon the agreement, as aforesaid. If necessary, the City's agents may, after five (5) days' written notice to the original applicant and to the property owner of record, enter private property to remove such signs which shall then become the property of the City. (Ord. 124.8, 9/17/74)

4.07 POLITICAL SIGNS

[8.01 (Eliminated by adoption of Ord. 124.10, 6/20/78)]

a. Intent

Political signs are a necessary part of our political life before an election. After the election is over, political signs become litter, create a health and safety problem and encourage blight. It is the purpose of these regulations to provide for their prompt removal after election. (Ord. 124.10, 6/20/78)

b. Regulations

Except as otherwise authorized in this Section, political signs and persons posting political signs shall meet the following requirements: (Ord. 124.8,9/17/74 & Ord. 124.10, 6/20/78)

1. Scope of Regulations: Nothing contained in this Chapter shall be construed to regulate the content of any political sign. (Ord. 124.10, 6/20/78)
2. Exemption for Political Signs: Political signs shall not be included in the maximum sign area permitted for any site or use. (Ord. 124.19, 3/4/97)
3. Notification Procedures: Any person or group erecting political signs as defined in Section 2.13.1 of the Sign Ordinance, shall provide the Milpitas City Clerk a notice in writing, either by registered mail or in person, including the name, address and telephone number of the person or group responsible for erecting or removing the political sign. The notice shall be provided prior to erecting any political signs. (Ord. 124.19, 3/4/97)
4. Removal: The responsibility for removal shall be that of the person or group identified in the notice given pursuant to Section 4.07(b)3 of this

Chapter. All political signs shall be removed within fifteen (15) days following the election or elections to which the political sign pertains. Any political sign that is not removed within this time period is declared a public nuisance. No notice need be given by the City to that person or group to remove said sign. If the responsible person or group fails to remove any political sign, the owner of the land shall be responsible for its removal provided the owner shall be given fifteen (15) days' prior notice in writing by the City to remove said sign. Notice hereunder shall be given personally or by certified mail addressed to the owner of the land as shown on the last equalized assessment roll of the County of Santa Clara. In the exercise of the remedies provided by law or by this Chapter, City shall not be required to proceed against the property owner before proceeding against the person or group nor shall it be required to proceed against the person or group as a condition to proceeding against the landowner. (Ord. 124.22, 9/1/98)

5. Allowable Locations: Political signs shall be permitted in any zoning district on private property without permit provided that they shall conform to all the provisions of this Chapter.

In residential zoning districts, no such sign shall project above the height or from the sides of the dwelling or block access to or from any door or window and every such sign shall be placed in a manner to secure it from being blown or falling down.

No political sign shall be erected on trees, fence posts, or public utility poles or located within any public right-of-way. No political sign erected on private property shall be placed within the traffic safety visibility area at the intersection of any street.

No political sign shall be erected in such a manner that will, or reasonably may be expected to, interfere with, obstruct, confuse or mislead traffic. No political sign shall be erected in a manner that will interfere with pedestrians so as to constitute a hazardous condition. No political sign shall be erected which has less horizontal or vertical clearance from any public utility lines than is prescribed by the State of California, or rules and regulations duly promulgated by agencies thereof. (Ord. 124.19, 3/4/97)

6. Allowable Size and Height: The following limitations and requirements shall apply:

- a. The maximum size of political signs shall be no more than thirty-two (32) square feet in all zoning districts.

- b. The maximum height of any political sign placed in all zoning

districts shall be six (6) feet, measured from the ground level to the top of the sign. (Ord. 124.19, 3/4/97)

c. **Remedies**

Without limitation to the remedies authorized by law or by this Chapter for the enforcement of this Chapter, City may exercise one or more of the following remedies which shall be cumulative to all other remedies:

1. Enter on vacant property and abate the nuisance.
 2. Enter on occupied property with the consent of the owner and occupant thereof and abate the nuisance.
 3. After sending each candidate or landowner a 15 day prior notice, the City may remove any sign in violation of this Section and shall charge a fee of \$25.00 per sign for the reasonable cost of abatement. The \$25.00 fee shall also be assessed against the candidate for all signs removed by City staff which are installed or posted contrary to the provisions set forth in Section XI-30-4.07(b)5. The City shall demand payment for the cost of abatement from the candidate or the owner of land or both and institute legal proceedings for the collection thereof. (Ord. 124.21, 11/4/97)
 4. Abate the nuisance and impose a charge therefor on the land pursuant to the provisions of Chapter 2, Title II of the Milpitas Municipal Code.
 5. Institute a civil action for abatement of the nuisance.
 6. Institute a criminal proceeding against candidate or landowner, or both, for violation of the provisions of this Chapter. (Ord. 124.10, 6/20/78)
 7. Abated Sign Materials: Materials from signs abated under this Chapter shall be disposed of as rubbish by the official abating said signs. (Ord. 124.10, 6/20/78)
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SECTION 5 - EXCEPTIONS TO PERMIT REQUIREMENT

5.01 SIGNS EXEMPTED

Permit shall not be required for the following types of signs:

- a. Traffic or other municipal signs, legal notices, railroad crossings signs, danger and emergency signs. (Ord. 124.10, 6/20/78)
- b. Temporary signs as defined herein. (Ord. 124.10, 6/20/78)
- c. Repainting or cleaning (or changing of the advertising copy thereon) of an advertising structure shall not be considered an erection or alteration which requires a sign permit unless a structural change is made. (Ord. 124.13, 5/6/80)
- d. Memorial sign or tablets, erected by recognized historical agencies, or names of buildings and date of erection when cut into masonry surface or when constructed of bronze or other incombustible letters and affixed flat against the wall of such building. (Ord. 124.10, 6/20/78)
- e. Signs regulating on-premise traffic and parking when less than twelve (12) square feet in area. (Ord. 124.10, 6/20/78)
- f. Temporary sales signs attached directly to or within twelve (12) inches of the inside of commercial establishments' windows, provided that the aggregate area of said temporary signs shall not exceed twenty-five (25) percent of the window area. (Ord. 124.10, 6/20/78)
- g. Signs used by public utilities for the safety, welfare or convenience of the public shall be exempt from the provisions of this Ordinance. (Ord. 124.10, 6/20/78)
- h. Poles, structures or other housings intended for the purpose of flying or otherwise displaying of the United States flag, California State flag, City or

County flag or flag of any similar public agency are exempt from the approval provisions of 3.01, 3.03(b) and 3.03(c). The flags specified herein are exempt from all other permit requirements. (Ord. 124.10, 6/20/78)

- i. Other signs similar to the above as provided for in Subsection 10.02 of this Chapter. (Ord. 124.10, 6/20/78)

SECTION 6 - VARIANCE

6.01 VARIANCE

When practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this Chapter result from the strict application of the provisions hereof, variances may be granted as provided in this Article by application to the Planning Commission. (Ord. 124, 7/20/54)

6.02 CRITERIA FOR VARIANCE

The Planning Commission may grant a variance if the following criteria are found applicable: (Ord. 124, 7/20/65)

- a. Special conditions and extraordinary circumstances applicable to the property involved or its intended uses, which were not created by the owner or his tenant, and which do not apply generally to other properties with the same land use. (Ord. 124, 7/20/65)
- b. Literal enforcement of the provisions of this Chapter will result in unnecessary hardship inconsistent with the spirit and intent of this Chapter. (Ord. 124, 7/20/65)
- c. The variance of the sign use corresponds with the land use and will not be contrary to, nor materially detrimental to public interest and welfare, or injurious to conforming signs in the City. (Ord. 124, 7/20/65)
- d. The variance to be granted is one that will require the least modification of the prescribed regulation, and the minimum variance that will accomplish that purpose. (Ord. 124, 7/20/65)

6.03 VARIANCE PROCEDURE AND FEE

- a. A completed sign variance application form must be filed with the Planning Division along with the required fee as adopted by resolution of the Milpitas City Council. Pursuant to City Council Ordinance No. 124.8, no fee shall be required of the Milpitas Unified School District. The Commission shall hold a public hearing on each sign variance application. (Ord. 124.18, 5/21/96)
- b. The Commission shall make its determination in writing within forty (40) days from the date of filing an application and shall transmit a copy thereof to the applicant. (Ord. 124.1, 11/2/65)
- c. In approving a variance, the Commission shall have the authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive General Plan. (Ord. 124.1, 11/2/65)

SECTION 7 - ENFORCEMENT

7.01 DECLARATION OF NUISANCE

- a. Any sign or structure erected, constructed, maintained, marked, posted, pasted, painted, printed, altered or repaired in violation of the provisions of the Chapter or after a permit or variance therefore has been revoked or expired is hereby found and declared to be a public nuisance and may be abated in accordance with the provisions of the Standard Procedures Chapter of the Milpitas Municipal Code. (Ord. 124, 7/20/65)
- b. Without limitation to the generality of the foregoing, any sign or structure erected, constructed, maintained, marked, posted, pasted, painted, altered or repaired:
 - 1. So as to be unsafe and so as to constitute an immediate peril to persons or property; or
 - 2. Upon public property without written permission of the Community

Development Manager or City Manager of the City of Milpitas; is hereby found and declared to be a public nuisance and may be summarily abated in accordance with the provisions of the Standard Procedures Chapter of the Milpitas Municipal Code. (Ord. 124.15, 4/3/90)

7.02 REVOCATION OF PERMIT OR VARIANCE

After written notice by mail to the permittee or grantee of a variance and hearing before the Planning Commission in accordance with the provisions of the Standard Procedure Chapter of the Milpitas Municipal code, any permit or variance may be revoked if: (Ord. 124, 7/20/65)

- a. Said permit or variance was issued in violation of law. (Ord. 124, 7/20/54)
- b. The conditions or limitations to said permit or variance have not been complied with. (Ord. 124, 7/20/65)

It shall be unlawful for any person to erect, construct, maintain, mark, post, paste, paint, print, alter or repair any sign or structure for which the permit or variance has been revoked. (Ord. 124, 7/20/65)

7.03 EXPIRATION OF PERMIT OR VARIANCE

- a. Any permit or variance granted herein shall expire by the terms thereof. (Ord. 124, 7/20/65)
- b. Any permit or variance granted herein shall expire if the same is not used within six (6) months from the date that the same is issued. (Ord. 124, 7/20/65)
- c. It shall be unlawful for any person to erect, construct, maintain, mark, post, paste, print, alter or repair any sign or structure for which the permit has expired. (Ord. 124, 7/20/65)

SECTION 8 - APPEALS

All appeals shall be made in accordance with Article V of Chapter 20, Title 1 of the Milpitas Municipal Code. (Ord. 124.1, 11/2/65)

SECTION 9 - PENALTY PROVISIONS

9.01 PENALTIES

Any person, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Chapter shall be guilty of an infraction. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted by such person, and shall be punishable as herein provided.

- a. Any sign erected without benefit of Planning Commission review and approval as provided herein shall be subject to a double Planning Commission application fee. (Ord. 124.10, 7/20/78; Ord. 124.23, 6/15/99)

9.02 REMEDIES, CUMULATIVE

The remedies herein contained shall be cumulative and in addition to such other remedies as provided by law. Resort to one remedy shall not preclude resort to any other remedy as may be allowed by law. (Ord. 124, 7/20/65)

SECTION 10 - INTERPRETATIONS

- 10.01** Nothing herein shall limit the Planning Commission from making reasonable interpretations of this Chapter for these foregoing regulations for uses or circumstances not specifically defined herein. Said interpretations shall be made in the form of a written decision based upon the regulations herein and the general public welfare. (Ord. 124.10, 6/20/78)

10.02 OTHER SIGNS PERMITTED BY COMMISSION

Where the term "other signs similar to the above" is mentioned, it shall be deemed to mean other signs which, in the judgment of the Commission as evidenced by a written decision, are similar to the signs listed in the same section and are not more objectionable to the general welfare. "Other signs" so determined by the Commission shall be regarded as listed signs. In no instance, however, shall these regulations be so interpreted to permit a sign when such sign is specifically listed and regulated herein. (Ord. 124.10, 6/20/78)

Update Log:

<u>Ord..</u> <u>No.</u>	<u>Date</u> <u>Adopted</u>	<u>Updated in</u> <u>Computer</u>	<u>Subject</u>
124.17	10-17-95	10-30-95	Regional shopping center signs
124.18	5-21-96	3-3-97	Sign Variance filing fee
124.19	3-4-97	5-5-97	Political signs regulations
124.20	9-15-98	1-27-99	Permit streamlining
124.21	11-4-97	1-27-99	Political signs
124.22	9-1-98	1-27-99	Political sign removal
124.23	6-15-99	6-18-99	Regional shopping centers over one million square feet, industrial sites 40 or more acres, renumbering and classification
124.24	9-7-99		Scoreboards (sec. 3.07)
124.25	4-4-00	5-3-00	Moving signs